



House of Representatives

General Assembly

File No. 627

January Session, 2005

Substitute House Bill No. 6801

House of Representatives, May 2, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CONFIDENTIALITY OF LIBRARY RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 11-25 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The libraries established under the provisions of this chapter,
4 and any free public library receiving a state appropriation, shall
5 annually make a report to the State Library Board.

6 (b) (1) [Notwithstanding the provisions of section 1-210, personally
7 identifiable information contained in the circulation records of all
8 public libraries shall be confidential.] Notwithstanding section 1-210,
9 records maintained by libraries that can be used to identify any library
10 user, or link any user to a library transaction, regardless of format,
11 shall be kept confidential, except that the records may be disclosed to
12 officers, employees and agents of the library, as necessary for
13 operation of the library.

14 (2) Information contained in such records shall not be released to
15 any third party, except (A) pursuant to a court order, or (B) with the
16 written permission of the library user whose personal information is
17 contained in the records.

18 (3) For purposes of this subsection, "library" includes any library
19 regularly open to the public, whether public or private, maintained by
20 any industrial, commercial or other group or association, or by any
21 governmental agency, but does not include libraries maintained by
22 schools and institutions of higher education.

23 (4) No provision of this subsection shall be construed to prevent a
24 library from publishing or making available to the public statistical
25 reports regarding library registration and use of library materials, if
26 such reports do not contain personally identifying information.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	11-25

ED*Joint Favorable Subst. C/R*

JUD

JUD*Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6801

AN ACT CONCERNING CONFIDENTIALITY OF LIBRARY RECORDS**SUMMARY:**

Current law mandates the confidentiality of personally identifiable information contained in public library circulation records despite Connecticut's Freedom of Information laws. This bill expands this requirement to mandate the confidentiality of all records maintained by libraries that can be used to identify a library user, or link a user to a library transaction, regardless of the records' format.

The bill provides an exception to this rule for library officers, employees, and agents if the disclosure is necessary for library operation. Otherwise, it allows information in such records to be released to a third party only pursuant to a court order or with the written permission of the library user whose personal information is contained in the record.

Under the bill, the term library includes any library regularly open to the public whether it is (1) public or private; (2) maintained by any industrial, commercial, or any other group or association; or (3) maintained by any governmental agency. It does not include libraries maintained by schools and institutions of higher education.

Finally, the bill specifies that its provisions do not prevent a library from publishing or making available to the public statistical reports on library registration and use of materials if the reports do not contain personally identifiable information.

EFFECTIVE DATE: July 1, 2005

BACKGROUND***Freedom of Information***

With some exceptions, Connecticut's Freedom of Information laws make all records maintained or kept on file by any public agency a

public record accessible by the public for inspection and duplication.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference

Yea 25 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0